

**MINUTES**  
**Board of Zoning Appeals**  
**April 14, 2020**

The Wyoming Board of Zoning Appeals met on April 14, 2020 at 6:00 p.m. remotely via the Zoom online video conferencing platform. Due to technical difficulties, Mr. Charlie Jahnigen, Chair, was able to call the meeting to order at 6:20 p.m. Adjoining property owners of 30 Clark Avenue were invited to participate in the discussions via Zoom. Attendance was as follows:

**MEMBERS:**

Charlie Jahnigen, Chair  
Lynn Bueckman  
Jennifer Eismeier  
Bob Kearns  
Jeff LeRoy

**STAFF:**

Megan Statt Blake, Community Development Director  
Tana Pyles, Community Development Specialist

**ZOOM PARTICIPANTS:**

Sara Aschliman, Architect  
Lindsey Dye, 30 Clark Avenue, Applicant  
Frank & Julie Woodside, 205 Elm Avenue  
Don & Mary Jo Peairs, 24 Clark Avenue

**Minutes:**

Mr. Kearns moved to approve the minutes of the March 10, 2020 meeting as written. Ms. Eismeier seconded the motion. By voice vote, all voted yes, the motion carried.

Mr. Jahnigen introduced Mr. Lynn Bueckman as a new member to the Board of Zoning Appeals. Mr. Bueckman was appointed to fill the unexpired term of Mr. Braun, who resigned from the Board last month. Mr. Braun and his wife will be moving out of Wyoming to Maple Knoll Village. The Members introduced themselves to Mr. Bueckman.

**30 Clark Avenue, Case #5-20, Side yard Setback Issue**

Ms. Statt Blake provided the background. She acknowledged Ms. Sara Aschliman, architect for the property owners, Lindsey and Bob Dye. The applicants are seeking approval to construct a one-story porch addition to the side of the existing two-story house at 30 Clark Avenue. The side porch addition is in conjunction with a broader building program which includes a two-story addition to the rear of the house. Because the house is located within the Village Historic District, the proposed alterations have been previously reviewed at a

joint meeting of the Architectural Review Board (ARB) and the Historic Preservation Commission (HPC).

Section 1153.04(b) of the Zoning Code requires homes to maintain a minimum side yard setback of not less than ten feet for one story elements of the main building. The proposed side porch addition shows a setback of 6', 6-1/2" – which would place the porch addition 3', 5-1/2" closer to the side property line than the Code allows, and therefore the proposed construction was found to be in violation of Section 1153.04(b).

Ms. Statt Blake shared the existing site plan and proposed new site plan on screen and highlighted the aspects of the project as a whole. There was a former one-story porch off the west side and rear that was demolished around the year 2000 and is currently a patio. The proposed renovation includes a two-story addition to the rear of the house slightly inset from the existing side building line of the house and will comprise the majority of the rear elevation, which includes also a small one-story porch off the driveway. The current single story addition off the back of house will be removed and replaced with the proposed two-story addition.

The Board of Zoning Appeals, is to consider specifically, the side yard setback variance to allow the single-story porch addition to encroach into the 10' required side yard setback by 3.5'. Initially, the applicants also proposed a wrap-around front porch design across the front of the house that was to extend to the rear and connect to the proposed screened porch addition. However, the HPC/ARB voted to recommend a modified plan removing the front wrap-around porch from the designs, leaving the existing front porch stoop preserved.

Ms. Aschliman used the proposed site plan to call out the location of the proposed side porch and she noted the location of the older, demolished side porch. She noted that the side porch will have a shed roof that will slope toward the property line. The gutters are designed to channel storm water, towards Clark Avenue, and will be day-lighted in the front yard or directly tied to the storm sewer, if possible. She noted that the size and placement of the proposed addition will reduce the vehicular turnaround space coming from the garage, however the owners are not concerned as they generally back out of the driveway.

Ms. Lindsey Dye, applicant and owner of 30 Clark Avenue, commented that she does not wish to make any of her neighbors unhappy, and her desire is to expand the home to accommodate her young family. Ms. Aschliman added that the proposed addition and interior renovations will include an expanded kitchen, breakfast room, and family room on the first floor, with a new master bedroom suite and laundry above.

Ms. Dye commented that when she purchased the house it was zoned as a single-family however it has been her understanding that the home was initially constructed as a two-

family home and had undergone many changes over the years.

Mr. Frank Woodside, 205 Elm Avenue, commented that he is not taking a position on the Dye's proposal but he wished to add to the history of the home. He stated that as he recalls, the house was built by the Scobie family and was originally a single-family home built and was converted to a two-family home in the 1940s which is when the old porch was demolished. Mr. Woodside recalled that the Weber family had purchased the house and converted it to a two-family home for his family and his son. Ms. Dye added that she heard that when the house was converted back to a single-family is when the porch was removed.

Mr. Don Peairs, 24 Clark Avenue, commented that the proposed addition looks nice. His only concern is the possible aggravation of the existing drainage issues that his property experiences. He asked that if the storm water could be piped towards the street that should help the rear yards not take on any additional storm water.

Mr. Kearns asked for confirmation from Ms. Aschliman that the pipes will be day-lighted to the street. Ms. Aschliman stated that she believes the installation of the new pipes, drains, and downspouts and the channeling of them towards the street will alleviate some of the drainage issues in the rear yard. She added that the drainage will be trenched and no splash blocks will be used.

Ms. Eismeier asked if the proposed addition will create additional drainage concerns on the property that do not currently exist. Ms. Aschliman stated that the new addition will have gutters as well as the enclosed porch and they will all connect and be channeled towards the front and day-lighted at the street. Ms. Aschliman added that if the storm water were to be directed to the rear yard the pooling of storm water will be exasperated due to the slope of the rear yard.

Mr. Kearns asked the Peairs if most of the storm water pools into their rear and/or side yard at 24 Clark Avenue. Mrs. Peairs explained that when the home at 30 Clark Avenue was constructed the builder brought in fill dirt to raise the elevation. Mr. Peairs added that there is a clay drainage pipe along the rear yard but appears to have been broken for some time.

Extensive discussion was held regarding where the storm water will be directed to and discharged from the porch, the addition, and the property in general. Mr. Kearns commented that although the storm water plan is important, the Board's charge and consideration this evening is to determine whether or not a variance should be granted to the setback of the proposed screened porch. Ms. Eismeier stated that she would hate for the Board to approve a variance for a project that would, as some point in the future, become an issue for an adjoining neighbor as she believes that storm water runoff is a

consistently ignored issue. Regardless of whether an addition is before the Board or not, it is ultimately the responsibility of the property owner to be sure that they are not creating additional injury to the neighbors by not channeling storm water correctly.

Ms. Statt Blake added that ultimately, the Ohio Drainage Law will dictate how and where storm water is managed. Homeowners cannot change the flow of storm water in the way it enters or exits their property. The Board should be sure that projects before it do not affect a neighboring property in a negative manner. This is a grey area in the law in that if there is a conflict over storm water among neighbors, it is considered a civil matter unless something was caused by the action of the City or its actions as a result of our infrastructure. Ms. Statt Blake added that this is something that the Board can discuss and consider to ensure that there is not any new adverse impact to a neighbor made by a project, but in terms of how those issues ultimately are handled from a legal standpoint it is typically a civil matter.

Mr. Kearns commented that he agrees with Ms. Eismeier's concerns with the storm water drainage and he would not want this project to be harmful to the property next door at 24 Clark Avenue, however the Board is convened to discuss the proposed porch. Mr. Kearns stated that he has no issues with the plans as proposal as submitted.

Ms. Eismeier commented that the addition is well designed and this is application appears to be a standard setback request of the Board.

Mr. LeRoy commented that he has no issues with the proposed porch and it appears that there may be four adjoining properties that have storm water drainage issue which is a larger problem beyond this Board's purview.

Mr. Peairs commented that on the west side of 24 Clark Avenue there is a storm drain pipe that leads to the street. Mr. Woodside commented that there is a lot of water in his rear yard coming from Walnut Avenue as Walnut Avenue sits higher than Clark Avenue and the water runs southward down to Clark Avenue.

Ms. Dye commented that the neighbor behind her built a very large detached garage and the roof angles down into the neighboring yards.

Mr. Bueckman commented that, in his opinion, as long as the proposed addition does not create any new water issues for the neighbor, he is in favor of the proposal, so long as the storm water drains towards the street.

Mr. Jahnigen commented that he agrees with the sentiments of the Members.

Ms. Pyles noted that although the Zoom interface is indicating that the meeting is being

recorded and being shared on Facebook Live, it appears that Facebook Live may not be working at this time. Therefore, the Board was unable to determine if there are any questions or comments from the general public through the Facebook Live feed.

Ms. Eismeier moved to approve the request for variance as submitted with the caveat that the additional storm water system be piped towards the street. Mr. LeRoy seconded the motion. By roll call vote, 5-0, all voted yes, the motion carried.

### **Miscellaneous**

Ms. Statt Blake reported that the Board will convene on May 12, 2020 to hear and decide one case. It is unknown at this time, if the meeting will be electronically held or be in-person in Council Chambers. Notice will be given as required.

### **Adjourn**

With no further business to discuss, Mr. Jahnigen noted the meeting adjourned at 6:57 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Charlie Jahnigen, Chair